

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

D'ANN BALL

Claimant

VS.

RAYTHEON AIRCRAFT COMPANY

Respondent

Self-Insured

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Docket No. 195,334

ORDER

Respondent appeals a Preliminary Hearing Order entered by Administrative Law Judge Nelsonna Potts Barnes on May 18, 1995, which granted claimant's request for temporary total disability compensation.

ISSUES

Respondent alleges that the Administrative Law Judge exceeded her jurisdiction in ordering temporary total disability benefits paid for January 30 and 31, 1995, and February 20 through February 24, 1995.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the preliminary hearing record and considering the briefs of the parties, the Appeals Board finds as follows:

The first issue that the Appeals Board will address is whether this Preliminary Hearing Order is subject to review. Respondent has not raised a jurisdictional issue that allows Appeals Board review pursuant to K.S.A. 44-534a(a)(2). However, respondent does allege that the Administrative Law Judge exceeded her jurisdiction when she granted claimant's request for payment of temporary total disability benefits for the above dates. See K.S.A. 44-551(b)(2)(A), as amended by S.B. 59 (1995). The Appeals Board finds, pursuant to K.S.A. 44-534a(a)(2), that the Administrative Law Judge is granted specific authority to grant or deny requests for temporary total disability compensation in a preliminary hearing order pending a full hearing on the claim. Accordingly, the Administrative Law Judge did not exceed her jurisdiction in granting claimant's request for payment of temporary total disability benefits on the dates alleged.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Application for Review filed by the respondent is dismissed as the Appeals Board lacks jurisdiction to review the Preliminary Hearing Order of Administrative Law Judge Nelsonna Potts Barnes, dated May 18, 1995, granting claimant's request for payment of temporary total disability compensation on the dates alleged.

IT IS SO ORDERED.

Dated this ____ day of August 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Tom E. Hammond, Wichita, KS
Terry J. Torline, Wichita, KS
Nelsonna Potts Barnes, Administrative Law Judge
David A. Shufelt, Acting Director